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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,136	12/07/2000	Malcolm Barry James	1075-P0005	5715
36067 7590 04/03/2009 DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037				
EXAMINER				
LUK, EMMANUEL S				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
04/03/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dalinalaw.com
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Office Action Summary

Application No.

09/719,136

Applicant(s)

JAMES, MALCOLM BARRY

Examiner

EMMANUEL S. LUK

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-35 and 44-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-35 and 44-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The office action is being resent with the corrected status of the claims. Please refer to the previous office action for the PTO-892 form.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 33-35 and 44-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osakabe (6073683).

Osakabe teaches a method of cooling parts (abstract and Col. 8, line 6 to Col. 9, line 2). The apparatus having at least one completely closed chamber with air substantially removed therefrom and having a single quantity of liquid that extends to cover at least one of the areas from which heat is to be taken (Fig. 1B, 13, 3 and 7, also see Col. 2, lines 5-26 and Col. 8, lines 30-42). Each of the at least one completely closed chamber being integrated with the module 2 and a space above the single quantity of liquid and within the completely closed chamber in which pressure within the space is caused to be set a level which will enable the single quantity of liquid to boil at a selected temperatures, said selected temperature being at a level such that the temperature is below a temperature of the areas from which heat is to be taken this being by reason of, as a first step, filling of the completely closed chamber with the single quantity of liquid and then extracting a selected portion of the single quantity of liquid without allowing air to replace the extracted liquid, and passing at a selected cooling temperature, the single quantity of liquid through condensing means to affect, by

such cooling, condensation of vapor of the single quantity of liquid in the space to return the condensed vapor to the single quantity of liquid by gravity. The member appears to be airtight sealed (Col. 10, lines 37-39).

Osakabe does not teach a mold die, However Osakabe does teach a heat generating unit 2 which the cooling apparatus 1 is attached.

It would have been obvious for one of ordinary skill in the art to recognize the cooling apparatus of Osakabe could be utilized for cooling elements to other heat generating units such as a die mold.

Response to Arguments

3. Applicant's arguments with respect to claims 33-35 and 44-56 have been considered but are moot in view of the new ground(s) of rejection.

The new reference Osakabe directs to a cooling apparatus that is the same as the claimed method of cooling for the molding die.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL S. LUK whose telephone number is (571)272-1134. The examiner can normally be reached on Monday-Fridays from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791